

METROPOLITAN DADE COUNTY, FLORIDA



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FEDERAL COMMUNICATIONS COMMISSION
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CONSUMER SERVICES DEPARTMENT
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January 25, 1993

Ms. Donna Searcy
Secretary
Federal Communications Commission
1919 M Street NW
Washington, D.C. 20554

Re: Rule Making Reply Comments
MM Docket No. 92-263

Dear Ms. Searcy:

Transmitted for Metropolitan Dade County, Florida, please find an original and nine copies of our Reply Comments in the Cable Television Rule Making presently before the Federal Communications Commission in MM Docket No. 92-263.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Cathy Grimes Peel'.

Cathy Grimes Peel
Cable Television Coordinator
Consumer Services Department
Metropolitan Dade County, Florida

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of)

Implementation of Section 8 of)
the Cable Television Consumer)
Protection and Competition)
Act of 1992)

MM Docket No. 92-263

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

TO: The Commission

REPLY COMMENTS OF METROPOLITAN DADE COUNTY

Metropolitan Dade County hereby submits these reply
comments in the above-captioned proceeding.

Metropolitan Dade County is the local franchising
authority for seven cable systems located within the
County.¹ Combined, those companies serve more than 350,000
Dade County households. The County has been the recipient
of a significant number complaints over the years regarding
customer service.

Metropolitan Dade County has had the opportunity to
review the comments submitted by the National Association of
Telecommunications Officers and Advisors, National League of
Cities, United States Conference of Mayors, and the National

¹The companies are Miami Tele-Communications, Adelphia
Cable Partners, Storer Cable Communications of South
Florida, Dade Cable Television, Gold Coast Cablevision,
Dynamic Cablevision, TCI Cablevision of South Florida, and
Cable Satellite of South Miami. The companies range in size
from 900 to 70,000 subscribers, and range in penetration
rates from 16% to 60%.

Association of Counties ("Local Governments") submitted in this proceeding. We have also reviewed the comments filed by the City of Miami Beach, Florida. Metropolitan Dade County believes that the comments filed by Local Governments, and the comments filed by the City of Miami Beach, generally reflect Metropolitan Dade County's position on the implementation of Section 8 of the Cable Television Consumer Protection and Competition Act of 1992 (the "1992 Act"), with the exceptions noted herein. Accordingly, Metropolitan Dade County concurs with the comments filed by Local Governments and the City and respectfully requests the Federal Communications Commission ("Commission" or "FCC") to consider carefully these comments.

Metropolitan Dade County believes that the Commission should adopt a set of standards which will ensure adequate customer service throughout the country. We agree with the Local Governments and the City of Miami Beach that the Commission-established standards should be self-executing and should apply to all cable systems as of the date of adoption of the standards by the FCC, without any further action to be taken by franchising authorities. To do otherwise subjects cable customers to unacceptable delays in implementation of the standards as communities are forced to wait until renewal or transfer to introduce the standards. We do not believe Congress intended such a delay.

The general rule that the Commission-established standards will apply to all cable operators should be

subject to two of the three exceptions enumerated in the Local Government comments: where a franchising authority has more stringent customer service standards already in place; or where a franchising authority exercises its right to promulgate more stringent standards or standards not addressed by the FCC standards.

Metropolitan Dade County respectfully disagrees with the Local Governments on one of their enumerated points for exclusion. Namely, the Local Governments suggest that a franchising authority be allowed to waive one or more of the standards in favor of less stringent standards. While Local Government's intent was to provide maximum flexibility so that standards could be tailored to each local franchising unit, allowing a waiver to a less stringent standard relegates the affected consumer to an unprotected status. Metropolitan Dade County believes that Congressional intent was to protect all cable consumers. Allowing such waivers guarantees pressure on franchising authorities by the local industry who will seek reductions of one or more of the standards. We do not believe Congress intended that result. However, should the FCC choose to incorporate a waiver provision, Metropolitan Dade County believes that the grounds for waiver should be narrow and strictly articulated in the Commission adopted standards.

Metropolitan Dade County does not support a small system exemption.² However, if the Commission provides an exemption for a small system, we urge the Commission to draw very narrow and careful distinctions, as articulated by the Local Governments. Wholesale exemptions for small systems leaves those subscribers unprotected. Additionally, no system with a subscriber base of more than 1,000 subscribers should be considered a small system for purposes of the FCC standards.

Like the Local Governments, Metropolitan Dade County believes that franchising authorities should be primarily responsible for enforcing the Commission-established standards. The Commission, if necessary, could act as final arbiter of disputes between franchising authorities and cable operators. Any arbitration process that may be established should not unduly burden local franchising authorities. An alternative to arbitration is to simply allow the dispute to be settled through negotiation or litigation.

The Commission standards should also reflect the right of local governments to enact more stringent standards.

²In Dade County, the systems with the fewest number of subscribers receives the next to highest number of complaints as a percentage of total subscribers. This system is owned by a major MSO. The next smallest system, with 8,000 subscribers, received both the most total complaints in 1992, and by far the highest as a percentage of total subscribers. A recent chart published by the Miami Herald is attached for illustration. The system with 250 complaints reports 8,000 customers.

Franchising authorities should be allowed to do so without having to wait for renegotiation due to renewal or transfer. Local franchising authorities should be given the authority to act in the best interests of its citizens.

Metropolitan Dade County believes that the Commission should establish comprehensive consumer protection rules. Customer service was a paramount concern of Congress in the passage of the 1992 Act. The legislative history of the 1992 Act is replete with testimony from cable subscribers, consumer groups and franchising authorities documenting customer service problems -- problems that are evident in both large and small systems. The Commission should not seek minimal standards. Congress clearly intended that the standards be meaningful and protective, and that they make a difference.

Since 1989, Metropolitan Dade County's cable television office has logged over 4,000 complaints against cable companies in this jurisdiction. The complaints cover all categories of service, including busy telephones, inadequate office hours, inability to get service on weekends, poor reception, outages, rates, late fees, missed appointments, cavalier attitudes, incompatibility of cable equipment with consumer electronics, and complaints from potential customers who have waited inordinate lengths of time for service to be extended to their area. Some companies, of course, have better track records than others. Regardless, all cable customers deserve and should have the benefit of

good customer service. The Commission should adopt standards that reflect real world problems experienced by cable consumers. Additionally, Metropolitan Dade County supports the Local Government standard that requires the franchising authorities' telephone numbers to appear on subscriber bills. Many companies refuse to provide this information upon a direct request from a subscriber.

Meaningful standards require enforcement tools. We agree with the City of Miami Beach that each cable operator should be required to certify to the franchising authority on a regular basis that they are meeting the standards, and that franchising authorities should have broad authority to confirm such compliance. As Local Governments suggest, some franchises carry remedies for non-compliance.

Unfortunately, some don't. Metropolitan Dade County urges the Commission to include enforcement provisions in its standards, or to give local franchising authorities broad discretion to adopt such enforcement tools on their own.

Metropolitan Dade County urges the Commission not to adopt the NCTA standards. We agree that the NCTA standards are a useful starting place only. The NCTA standards are not specific enough, and in some cases are ambiguous. They fail to address many real problems experienced by cable subscribers, like mandatory credits for service outages. They also fail to compensate subscribers for such inconveniences as missed service calls. As articulated in the City of Miami Beach comment, the NCTA standards also

base compliance on an annual basis which is not adequate measure of a company's performance. We concur with the City of Miami Beach that a monthly measure is more appropriate and meaningful.

Finally, we urge the Commission to craft service requirements that are as protective and comprehensive as those attached to the Local Governments filing. The mix of standards detailed in the filing truly reflect the needs and concerns of cable subscribers in Metropolitan Dade County. Operators who are truly committed to customer service may already have service policies in place that reflect those requested and should therefore find them to be of no additional burden. Unfortunately, the fact that many don't was the impetus for the Cable Act of 1992. It is critical that the FCC carefully review and consider the standards recommended by the Local Governments. In addition, we urge the Commission to adopt a reasonable limit on the amount that can be charged as a late fee. Until recently, several companies in this jurisdiction charged a flat rate of \$10, an amount sometimes approaching 40% of the past due amount.

Metropolitan Dade County believes that the approach generally proposed by Local Governments and the City of Miami Beach, with the exceptions previously discussed, will ensure adequate customer service for cable customers in Metropolitan Dade County as well as throughout the County, and will not unreasonably burden cable operators.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Cathy Grimes Peel', written over a horizontal line.

Cathy Grimes Peel
Cable Television Coordinator
Consumer Services Department
Metropolitan Dade County, Florida

January 25, 1993

Office of Cable Television Coordination
Consumer Services Department
Metropolitan Dade County
140 West Flagler Street, Room 901
Miami, Florida 33130
(305) 375-3677

1992 CABLE COMPLAINTS

Here are 1992 complaint totals for cable companies serving.

	Total complaints	Complaints per 1,000 subscribers
Cable Satellite	250	30.5
TCI Cablevision	17	19.4
Miami TCI	228	5.5
Storer/South	233	5.0
Storer/North	211	3.2
Adelphia	181	2.6
Gold Coast/Ticket	93	2.3
Dynamic	121	1.7

Source: Metro-Dade Office of Cable TV Coordination; City of Miami Office of Cable TV.